

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 3, 2010**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Trail. Total – 5.

Total – 70.

Prayer was offered by Guest Pastor Gary Moore.

The Pledge of Allegiance was led by Dani Olsen, Page.

Approval of Journal

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 36](#), [HJM 9](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), and [H 463](#).

CLARK, Chairman

[H 457](#) was referred to the Transportation and Defense Committee.

[H 458](#) was referred to the Commerce and Human Resources Committee.

[H 459](#), [H 460](#), [H 461](#), and [H 462](#) were referred to the State Affairs Committee.

[H 463](#) and [HJM 9](#) were referred to the Resources and Conservation Committee.

[HCR 36](#) was filed for second reading.

February 2, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 412](#), [H 413](#), and [H 414](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 412](#), [H 413](#), and [H 414](#) were filed for second reading.

February 2, 2010

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 438](#) and [H 445](#) and recommend that they do pass.

WOOD, Chairman

[H 438](#) and [H 445](#) were filed for second reading.

February 2, 2010

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [H 449](#), [H 450](#), [H 451](#), [H 452](#), and [H 453](#) and recommend that they do pass.

RAYBOULD, Chairman

[H 449](#), [H 450](#), [H 451](#), [H 452](#), and [H 453](#) were filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 404](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 404](#) was filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 435](#) and recommend that it do pass.

LAKE, Chairman

[H 435](#) was filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 405](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 405](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 10 BY TRANSPORTATION AND DEFENSE COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO
THE CONGRESSIONAL DELEGATION REPRESENTING
THE STATE OF IDAHO IN THE CONGRESS OF THE

UNITED STATES AND TO THE SECRETARY OF THE AIR FORCE.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho is proud of its military installations and the dedicated men and women who offer their service to keep our country safe. The Idaho National Guard, composed of the Air National Guard and the Army National Guard, is the fourth largest employer in the state; and

WHEREAS, the United States Air Force has had a presence in Idaho for more than 56 years, with numerous facilities, including Mountain Home Air Force Base and Boise's Gowen Field. Mountain Home Air Force Base is one of the premier training ranges in the nation and Boise's Gowen Field is the only National Guard facility focused on providing Total Joint Force training in the region; and

WHEREAS, following approval of Joint Strike Fighter basing criteria for both training and operational bases for the new F-35 missions by the Secretary of the Air Force, Mountain Home Air Force Base was selected as a finalist as an operational base and Boise's Gowen Field was selected as a finalist as a training base; and

WHEREAS, southern Idaho's climate is well suited to the F-35 missions, with more than 321 flyable days per year. Idaho's facilities provide ample and unhindered training airspace close to installations, enabling more training time with less fuel consumption and Idaho's facilities are unencumbered by the encroachment of civilian land use, lowering the environmental impact on surrounding communities; and

WHEREAS, Idaho facilities each have the capacity to support at least three squadrons, including runway space, ramp space, personnel housing and maintenance and hangar bays necessary to accommodate the missions; and

WHEREAS, Idaho communities are patriotic, support their military installations and would welcome the new F-35 missions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the United States Air Force to select Idaho for its F-35 missions.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and the Secretary of the United States Air Force.

HOUSE PROCLAMATION NO. 3 BY STATE AFFAIRS COMMITTEE

A PROCLAMATION

COMMENDING THE PEOPLE OF ADA COUNTY AND THE CITY OF GARDEN CITY IN BRINGING THE COMMUNITY TOGETHER THROUGH THE CHINESE HERITAGE DAY AND DRAGON PARADE, ENDORSING THE ANNUAL CELEBRATION OF THE CHINESE HERITAGE IN GARDEN CITY AND ENCOURAGING SPONSORSHIP OF SIMILAR EVENTS IN OTHER COMMUNITIES OF OUR GREAT STATE OF IDAHO.

We, the members of the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby proclaim:

WHEREAS, the City of Garden City is named for the many Chinese gardens that were once cultivated along the Boise River

and Chinden Boulevard. The vibrant Asian community that thrived in Garden City brought with them colorful traditions that are still celebrated today; and

WHEREAS, the Chinese Heritage Day and Dragon Parade inspires citizens to develop and promote meaningful connections with other cultures, to gather in the spirit of mutual respect and acceptance, transcending our differences and rising to the unifying inclusiveness of our community; and

WHEREAS, Garden City Mayor John Evans and Garden City Council members Pam Beaumont, Elfreda Higgins, Mike Moser and Jeff Souza believe that the Chinese Heritage Day and Dragon Parade brings together a cross-section of citizens and allows them to stand together in friendship and to celebrate our spirit of community; and

WHEREAS, the Chinese Heritage Day and Dragon Parade has the support of numerous sponsors, including the City of Garden City, Woman of Steel-Irene Deely, the Boise Chinese Association, Korean Dance Mission, Shaolin Gong Fu Stick School, Garden City Community School, the Waterfront District and the Alley Arts and Cultural District, as well as various other groups, businesses and civic organizations.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives and the Senate assembled in the Second Regular Session of the Sixtieth Idaho Legislature, that we support the people of Ada County and the City of Garden City in bringing the community together through the Chinese Heritage Day and Dragon Parade and encourage sponsorship of similar events in other communities of our great state of Idaho.

HJM 10 and HP 3 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 464 BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2107, IDAHO CODE, TO REMOVE REFERENCE TO AN UNLIMITED TIME LIMIT IN WHICH CERTAIN EXAMINATIONS MAY BE TAKEN AND PASSED BY APPLICANTS FOR LICENSURE.

HOUSE BILL NO. 465 BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REMEDIES AND PENALTIES FOR VIOLATION OF THE IDAHO VETERINARY PRACTICE ACT, TO PROVIDE FOR ADMINISTRATIVE ACTIONS, TO PROVIDE FOR FINES, TO PROVIDE FOR CIVIL PENALTIES IN LIEU OF CERTAIN DISCIPLINARY PROCEEDINGS, TO PROVIDE TERMS AND CONDITIONS, TO PROVIDE FOR TREATMENT OF CERTAIN VIOLATIONS AND DOCUMENTS AND RECORDS RELATED TO THOSE VIOLATIONS UPON SUCCESSFUL COMPLETION OF SPECIFIED TERMS AND CONDITIONS, TO PROVIDE FOR SPECIFIED CIVIL COURT PROCEEDINGS, TO PROVIDE FOR CRIMINAL ACTIONS, TO REMOVE REFERENCE TO CERTAIN CIVIL PROCEEDINGS, TO PROVIDE THAT CERTAIN REMEDIES ARE NOT MUTUALLY EXCLUSIVE AND SUCCESSFUL ACTION ON ONE REMEDY DOES NOT PRECLUDE

ACTION ON OTHER REMEDIES; AND AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT DOCUMENTS AND RECORDS RELATED TO CERTAIN VIOLATIONS SHALL BE EXEMPT FROM DISCLOSURE.

HOUSE BILL NO. 466
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2103, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACTIVITIES NOT PROHIBITED BY SPECIFIED PROVISIONS OF LAW; AND AMENDING SECTION 54-2115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO GROUNDS FOR DISCIPLINE.

HOUSE BILL NO. 467
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2105, IDAHO CODE, TO PROVIDE FOR EMERGENCY PROCEEDINGS FOR LICENSE REVOCATION OR OTHER ACTION UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 468
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE STATE BOARD OF OPTOMETRY; AMENDING SECTION 54-1508, IDAHO CODE, TO REVISE BOARD MEMBER COMPENSATION.

HOUSE BILL NO. 469
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE OCCUPATIONAL THERAPY PRACTICE ACT; AMENDING SECTION 54-3714, IDAHO CODE, TO REVISE BOARD MEMBER COMPENSATION; AMENDING SECTION 54-3719, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF RECEIPTS AND EXPENSES; AND REPEALING SECTION 54-3721, IDAHO CODE, RELATING TO THE OCCUPATIONAL THERAPY LICENSURE FUND.

HOUSE BILL NO. 470
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE PRACTICE OF PHYSICAL THERAPY; AMENDING SECTION 54-2212, IDAHO CODE, TO REQUIRE THAT CERTAIN FOREIGN-EDUCATED PHYSICAL THERAPISTS PROVIDE PROOF OF PASSING SCORES ON STANDARDIZED ENGLISH PROFICIENCY EXAMINATIONS AS A QUALIFICATION FOR LICENSURE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 471
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3026A, IDAHO CODE, TO PROVIDE FOR CONSTITUTING CERTAIN INCOME DISTRIBUTED TO BENEFICIARIES OF AN ESTATE OR TRUST AS IDAHO SOURCE INCOME; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 472
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING CHAPTER 1, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-1-501, IDAHO CODE, TO PROVIDE FOR CONSTRUCTION OF CERTAIN FORMULA CLAUSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [H 472](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 390](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 423](#) and [H 443](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 437](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [H 437](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 437](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 439](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 439](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher,

Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Shirley, Trail. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 439](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 440](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 440](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Mr. Speaker. Total – 62.

NAYS – Barrett, Wood(35). Total – 2.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Shirley, Trail. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 440](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 441](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 441](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Clark. Total – 1.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Shirley, Trail. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 441](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1268](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1268](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Chavez, Palmer, Roberts, Shepherd(08), Shirley, Trail. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1268](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, February 4, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:56 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk